XI-B-78

(53)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Crl. 188/06 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

CR.M.P.NO.188/2006

APPLICANT — S.D. Salokhe, S/o Late Gyandeo Salokhe, Aged about 58 years, R/o D-1, Civil Lines, Raipur, District Raipur [C.G.]

Vs

NON-APPLICANTS

1. State of Chhattisgarh, Through Mahila Police Station, Raipur (C.G.).
2. Smt. Sarita Sharma (Complainant) W/o Late Dinesh Kumar Sharma, aged about 36 years, R/o through Shri Parmanand Sharma, 240 FCI Colony, Changorbhata, Raipur (C.G.)

Present:

Mr. Mateen Siddique, Adv. for the applicant.

ORAL ORDER

(29th August, 2007)

Per Dhirendra Mishra, J:

By this petition under Section 482 of Cr.P.C. the applicant has prayed for quashing of the prosecution and reference of Criminal Case No.737/06 pending in the Court of Judicial Magistrate First Class, Raipur.

The complainant/prosecutrix lodged the F.I.R. on 15.3.2005 alleging therein that the applicant had called her to his chamber on 9.3.2005, whereupon, she went to his chamber along with her Jeth and there the applicant asked her whether she has any objection, if she is

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

appointed against the post of Class-IV. After she accepted the offer, the applicant stood up from his chair, came near to her and tried to kiss her, which was resisted by her. She did not lodge the report on account of shame and also did not disclose the fact to her Jeth. However, after pondering over the whole situation she thought that if she does not resist and take appropriate action, then any person can make such attempt in future and after this she lodged the report on 15.3.2005.

Learned counsel for the applicant submits that the complainant had applied for compassionate appointment, she also approached the Governor of the State, however, on the recommendation of the committee appointed by the applicant, she could not qualify against Class-III post and therefore, she was offered Class-IV post, as a result of which a false complaint has been lodged against the applicant. Moreover, there is no explanation for the delay in lodging the report, which has been lodged after six days of the incident. Placing reliance on the judgment of the Hon'ble Apex Court in the matter of **Netai Dutta Vs. State of West Bengal** reported **AIR 2005 SC 1775**, it is argued that continuance of prosecution against the applicant on the basis of above complaint would amount to abuse of process of law and therefore, the whole prosecution against the applicant should be quashed.

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	I have heard learned counsel for the applicant. From perusal of the allegations made in the FIR, an offence under Section 354 of the IPC is clearly made out. The judgment cited by learned counsel for the applicant is distinguishable on facts as in that case the offence under Section 306 of the IPC was registered on the basis of suicide note of the deceased, however, the Hon'ble Supreme Court considering the contents of the suicide note arrived at a conclusion that even if the contents of the suicide note are taken to be true, then also it does not constitute abetment to suicide. However, in the instant case the allegation made in the FIR constitute offence under Section 354 of IPC, therefore, no case for quashing the prosecution is made out. In the result, the petition has no substance, the same is liable to be dismissed and it is hereby dismissed at the admission stage itself. Sd/- DHIRENDRA MISHRA Judge	